



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

Mr. Chris Dunker
Lincoln Journal Star
2207 Lake Street
Lincoln, NE, 68502

**Freedom of Information Act Request
Number: EPA-2021-006415**

Dear Mr. Dunker:

This is the final response to your September 7, 2021, Freedom of Information Act (FOIA) request. In your request you seek:

“Date Range (February 23, 2021-September 7, 2021); Communications (Correspondence with state, Correspondence from the EPA to NE partners and correspondence to EPA related to AltEn site, Including role with state and EPA); Communications should focus on state of Nebraska's engagement with EPA with respect to AltEn site; Communications (Correspondence between EPA and NDEE); Request can EXCLUDE biweekly meeting reminders/emails; Search term keywords (Pesticide, treated seed, ground water, AltEn).”

On September 16, 2021, Angela Stillwagon and Kasey Barton with Region 7 Office of Regional Counsel called to speak with you about your request. As indicated in 40 C.F.R. § 2.102(c), you discussed specific information about the records you seek and provided additional details about your request. During the call you confirmed you would like external correspondence from the EPA to Nebraska only. Additionally, EPA Region 7 discussed the release of potentially responsive documents could reasonably be expected to harm pending or prospective enforcement proceedings. You confirmed you would like to proceed with your request understanding the possibility certain documents may not be released. Any records related to potential pesticide contamination of groundwater, surface water, and soil at AltEn, LLC, in Mead, Nebraska between Jan. 1, 2010 and receipt of this request.

On December 17, 2021, EPA provided an initial response to your request, releasing 115 documents in part and in full.

EPA has concluded its search for records responsive to your request. While some records are being released in their entirety, it was necessary to withhold information from EPA's response either in part (as noted by redactions and FOIA exemption notation on the individual document) or in full (as identified on the enclosed log). This withheld information has been determined to be exempt from disclosure pursuant to the following sections of 5 U.S.C. § 552(b):



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- 5 U.S.C. § 552(b)(4): trade secrets and commercial or financial information obtained from a person that is privileged or confidential; and
- 5 U.S.C. § 552(b)(5): privileged inter- or intra-Agency memoranda or letters which fall under the deliberative process, attorney work-product or attorney-client privileges; and
- 5 U.S.C. § 552(b)(6): information about individuals in personnel, medical and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and
- 5 U.S.C. § 552(b)(7)(a): information compiled for law enforcement purposes that could reasonably be expected to interfere with enforcement proceedings.

You may log in to FOIAonline and retrieve your records.

If you have questions regarding this information, please contact Ms. Kasey Barton, in our Office of Regional Counsel, at 913-551-7874.

This letter concludes our response to your request. The information withheld under Exemption 4 will be reviewed by the appropriate legal office, which will issue a final confidentiality determination. Therefore, you do not need to appeal the withholding of information under Exemption 4. Once the legal office issues a final confidentiality determination, EPA will notify you whether the information qualifies for confidential treatment or may be released. To the extent you would like to appeal any other issue, including any non-Exemption 4 withholdings, you may appeal this response by email at hq.foia@epa.gov, or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, N.W., WJC-N Building, Room 7309C, Washington, DC 20460. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 pm Eastern Time will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at hq.foia@epa.gov or 202-566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email, ogis@nara.gov; telephone, 202-741-5770 or 877-684-6448; or fax, 202-741-5769. For all media inquiries, please contact press@epa.gov.

If you have any questions regarding this response, please contact Edie Stevens-Breckon, in our FOIA Office, at 913-551-7803.

Sincerely,

Leslie Humphrey
Regional Counsel